

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MARIN

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CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California)
not-for-profit religious)
corporation,)

Plaintiff,)

vs.)

GERALD ARMSTRONG; MICHAEL)
WALTON; THE GERALD ARMSTRONG)
CORPORATION, a California for)
profit corporation; DOES 1)
through 100, inclusive,)

Defendants.)

NO. 157-680

AND RELATED CROSS-ACTION.)

TRANSCRIPT OF PROCEEDINGS:

Wednesday, March 22, 1995

Reported by:
PENNY L. GILMORE
CSR NO. 4724

LYON DEPOSITION REPORTING
830 School Street, Suite 11
Napa, California 94559
(707) 226-2300

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I N D E X

APPEARANCES:

LAURIE J. BARTILSON, Esq., representing the Law Offices of Moxon & Bartilson, 6255 Sunset Boulevard, Suite 2000, Hollywood, California 90028, appeared as counsel on behalf of Plaintiff.

WILLIAM R. BENZ, Esq., 900 Larkspur Landing Circle, Suite 185, Larkspur, California 94939, appeared as the referee in said action.

E X H I B I T S

PLAINTIFF'S

Page

67 Letter dated March 21, 1995 to Ms. Bartilson and Mr. Wilson from Gerald Armstrong

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1 Wednesday, March 22, 1995 10:24 A.M.

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3 MR. BENZ: On the record at the offices of
4 William Benz. It is, according to my watch, 10:24 A.M. on
5 Wednesday, March 22nd, 1995. Ms. Bartilson is present and
6 Matt Ward is present, both representing Plaintiff. There
7 is no appearance by Gerald Armstrong nor any of the other
8 defendants. I received a letter by fax from Mr. Armstrong
9 dated March 21, 1995.

10 If you wish, you can make that part of the
11 record.

12 MS. BARTILSON: Yes, I would like to do that.

13 (Whereupon Plaintiff's Exhibit 67
14 was marked for identification.)

15 MR. BENZ: And, Ms. Bartilson, do you have any
16 statement to make in connection with this case?

17 MS. BARTILSON: I should just say when I
18 received this letter by fax yesterday afternoon in which
19 Mr. Armstrong stated he would be unable to attend this
20 deposition due to a spiritual condition that he was unable
21 to control resulting in a psychological incapacitation, I
22 called him to see if I could ascertain what the problem
23 was or reschedule the deposition, so on and so forth.

24 The response that I got from Mr. Armstrong was
25 that he had not seen a doctor; he didn't intend to see a

1 doctor or a psychiatrist; that he felt that his mind was
2 not functioning properly, and because of that he did not
3 want to proceed with the deposition.

4 I asked him if he would in fact see a doctor,
5 see if he could obtain some kind of certificate of
6 incapacitation, that there was something wrong with his
7 mental condition so he couldn't be deposed. He said no,
8 he wasn't going to do that.

9 I asked if his memory was impaired. He said no,
10 he just felt his mind was not functioning properly, at
11 which point I told him I intended to proceed today and
12 reminded him of earlier times in the case when he and his
13 lawyer delayed his deposition at more than four or five
14 months, at which point he hung up on me.

15 MR. BENZ: Today was the time to which
16 Mr. Armstrong's deposition had been continued from a prior
17 session of the deposition, and by stipulation it had been
18 set for this date at 10:00 A.M. at these offices; is that
19 correct?

20 MS. BARTILSON: That is correct.

21 MR. BENZ: Anything else?

22 MS. BARTILSON: Just we did contact him this
23 morning to see if he was going to appear and he told me he
24 was not going to appear.

25 MR. BENZ: As far as I'm concerned, I've been

1 presented with an inadequate excuse for non-appearance, so
2 I will leave it up to plaintiff's counsel to proceed as
3 they wish.

4 MS. BARTILSON: I guess it's time to bring a
5 motion if I can't get him to come back. I'll see if we
6 can reschedule it.

7 MR. BENZ: There's another deposition which is
8 set for tomorrow of Gerald Solfvin; is that correct?

9 MS. BARTILSON: That is correct, and that was by
10 subpoena and notice.

11 MR. BENZ: Again, it's my opinion that this
12 letter is not adequate to continue or reset that
13 deposition, and could you notify Mr. Armstrong by
14 telephone or fax that we intend to go ahead with that
15 deposition whether he is here or not, absent some other
16 showing?

17 MS. BARTILSON: I will give notice and I'll make
18 sure I notify Mr. Solfvin, also, since I notice he copied
19 this letter to Mr. Solfvin.

20 MR. BENZ: And you let me know if there's any
21 change.

22 MS. BARTILSON: I will indeed, otherwise, it
23 will be tomorrow morning. Thank you.

24 (Whereupon the proceedings were concluded.)

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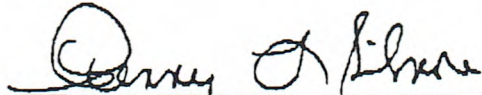
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CERTIFICATE OF DEPOSITION OFFICER

I, PENNY L. GILMORE, a Certified Shorthand Reporter in the State of California, certify that said proceedings were taken down by me in machine shorthand and were thereafter transcribed into computer-assisted transcription under my direction.

I futher certify that I am not of counsel or attorney for either or any of the parties in the foregoing depositon and caption named, nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of March 1995.


DEPOSITION OFFICER, CSR NO. 4724

MAR 21 '95 15:07 B LAW/FORD GREENE 415-456-5318

P.1/1

RECEIVED

March 21, 1995

MAR 21 1995

VIA FAX

Laurie J. Bartilson
Moxon & Bartilson
5255 Sunset Boulevard, Suite 2000
Los Angeles, CA 90028

By Fax
213-263-3361

Andrew H. Wilson, Esquire
Wilson, Ryan & Campilongo
115 Sansome Street, Suite 400
San Francisco, CA 94104

By Fax
415-954-0938

Re: Scientology v. Armstrong
Marin County Superior Court
Case No. 157680

Dear Ms. Bartilson and Mr. Wilson:

Due to a spiritual condition which I am unable to control resulting in a psychological incapacitation I cannot proceed with the deposition set for tomorrow and the deposition of Gerald Solfvin set for March 23.

Please contact me in a few days to see if these depositions can be rescheduled.

Thank you for your consideration.

Yours sincerely,



Gerald Armstrong
716 Sir Francis Drake Boulevard
San Anselmo, CA 94960
(415)456-8480

cc: Michael L. Walton, Esquire (by Fax)
William R. Benz, Esquire (by Fax)
Gerald Solfvin (by Fax)

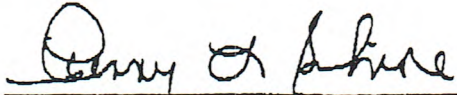
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